

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

REPLY TO RESPONSE TO MOTION TO WITHDRAW

Michael A. Johnson and the law firm of Kay Griffin Evans, PLLC submit this reply to Plaintiff's response to their Motion to Withdraw.

As shown in Exhibit 1 to the Motion to Withdraw, and as acknowledged in Plaintiff's response, Defendants have been uncooperative and have engaged in "name-calling, profanity, threats, and other offensive language" with respect to the administrative agency involved. (D.E. 29-1, PageID #: 271.) As a result, Kay Griffin has terminated its representation of Defendants.

Plaintiff states it opposes the instant motion because “HFL will be left without an attorney in this action” since Todd E. Zenger “would be left without a Tennessee attorney to sponsor his *pro hac vice* admission to this Court.” Defendants claim this case will “stall on the Court’s docket” if Kay Griffin is permitted to withdraw. However, Todd E. Zenger remains counsel of record for Defendants. There is nothing preventing Defendants from retaining new lead or local counsel. Plaintiff’s remedy is not to force undersigned counsel to continue to serve as counsel of record for uncooperative parties the firm no longer represents and then to appear for an in-person conference—it is to order the corporate Defendant to retain new local counsel. *See, e.g., Gibson*

Guitar Corp. v. Tokai Gakki Co., No. 3:04-cv-0449, 2019 U.S. Dist. LEXIS 208324, at *1 (M.D. Tenn. Feb. 27, 2019) (granting motion to withdraw and ordering corporate defendant to retain new counsel by a date certain); *see also Little Caesar Enters. v. Miramar Quick Serv. Rest. Corp.*, No. 2:18-cv-10767, 2020 U.S. Dist. LEXIS 92185, at *4 (E.D. Mich. May 26, 2020) (granting motion to withdraw and ordering corporate defendant to retain new counsel by a date certain and stating, “Failure to do so may result in a default judgment” (citing *Smith v. Comm'r*, 926 F.2d 1470, 1475 (6th Cir. 1991))).

Therefore, the undersigned respectfully moves this Court for the entry of an order allowing them to withdraw as counsel of record for Defendants.

Respectfully submitted,

s/ Michael A. Johnson
Michael A. Johnson (#30210)
KAY GRIFFIN EVANS, PLLC
222 Second Avenue North, Suite 340M
Nashville, TN 37201
Tel: (615) 690-2473
mjohnson@kaygriffin.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via CM/ECF on all counsel of record:

Charles C. McLaurin (TN BPR No. 34352)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
1600 West End Avenue, Suite 2000
Nashville, Tennessee 37203
cmclaurin@bakerdonelson.com

Steven F. Griffith, Jr. (La. Bar No. 27232)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
201 St. Charles Avenue, Suite 3600
New Orleans, Louisiana 70170
sgriffith@bakerdonelson.com
Counsel for Plaintiff

Todd E. Zenger (pro hac vice)
DUREN IP
610 E. South Temple Street, Suite 300
Salt Lake City, UT 84102
tzenger@durenip.com

on this the 8th day of May, 2024.

s/ Michael A. Johnson